

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	ORDER DENYING DEFENDANT'S
Plaintiff,)	MOTION FOR EARLY TERMINATION
)	OF SUPERVISED RELEASE
vs.)	
)	Case No. 1:13-cr-200
Logan James Diebel,)	
)	
Defendant.)	

Before the Court is the Defendant's *pro se* motion for early termination of supervised release filed on December 2, 2022. See Doc. No. 40. The Government filed a response in opposition to the motion on December 5, 2022. See Doc. No. 41. The supervising probation officer advised the Court that he was opposed to the motion. For the reasons explained below, the motion is denied.

On November 25, 2014, the Defendant was sentenced to 78-months imprisonment and 5 years of supervised release for possession of materials involving the sexual exploitation of minors in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). See Doc. No. 36. The Defendant began his five-year term of supervision in June of 2020.

Early termination of supervised release is governed by 18 U.S.C. § 3583(e)(1) which provides as follows:

- (e) The court may, after considering the factors set forth in section 3553 (a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)--
- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action

is warranted by the conduct of the defendant released and the interest of justice.

The Government and the U.S. Probation Office oppose the motion. Based upon the nature of the Defendant's underlying offense and an instances of non-compliance, the Court concludes that early termination of supervised release is unwarranted.

The Court believes that the best path forward for both the Defendant and society is for him to complete his entire five-year term of supervised release. The Court has carefully considered the entire record as well as the 18 U.S.C. § 3553(a) factors, and in the broad exercise of the Court's discretion in such matters, the motion (Doc. No. 40) is **DENIED**.

IT IS SO ORDERED.

Dated this 12th day of January, 2023.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court